FORM PTO-1390 U.S. DER (REV. 11-2000)	ARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER					
TRANSMITTAL LETTER 7	TO THE UNITED STATES	0933-0171P					
DESIGNATED/ELECTE	D OFFICE (DO/EO/US)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)					
CONCERNING A FILING		09/936 865					
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED					
PCT/F100/00375	April 28, 2000	April 30, 1999					
TITLE OF INVENTION	240111 20, 2000	1,5211 30, 1333					
	TERMINATINON OF DISACCHARIDASES	AND KIT THEREFOR					
APPLICANT(S) FOR DO/EO/US	Pentti; SUOVANIENI, Osmo; TAMMI	NEN. Jani					
Applicant herewith submits to the United States							
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1. This is a FIRST submission of items conce		C 221					
	omission of items concerning a filing under 35 U.S. examination procedures (35 U.S.C. 371(f)) at a						
	applicable time limit set in 35 U.S.C. 371(t)) at a						
	tion of 19 months from the priority date (Artic						
5. A copy of the International Application							
a is transmitted herewith (require	ed only if not transmitted by the International E	Bureau). WO 00/66765					
b. has been transmitted by the Interception of the An English language translation of the An English language transmitted herewith. b. has been previously submitted by the Interception of							
c. is not required, as the application	on was filed in the United States Receiving Of	fice (RO/US).					
6. An English language translation of the	he International Application as filed (35 U.S.C						
a. is transmitted herewith.							
b. has been previously submitted	under 35 U.S.C. 154(d)(4)	,					
7. Amendments to the claims of the Inter	rnational Application under PCT Article 19 (3.	5 U.S.C. 371(c)(3)).					
a. are transmitted herewith (required only if not transmitted by the International Bureau).							
b. have been transmitted by the In							
c. have not been made; however,	the time limit for making such amendments ha	s NOT expired.					
d. have not been made and will no	ot be made.						
An English language translation of the An oath or declaration of the inventor	e amendments to the claims under PCT Article	e 19 (35 U.S.C. 371(c)(3)).					
9. An oath or declaration of the inventor	c(s) (35 U.S.C. 371(c)(4)).						
An English language translation of th (35 U.S.C. 371(c)(5)).	e annexes of the International Preliminary Exa	amination Report under PCT Article 36					
tems 11. to 20. below concern document(s)	or information included:						
An Information Disclosure Statement (PCT/ISA/210) with 6 cited document	t under 37 CFR 1.97 and 1.98, Form PTO-1449 at(s).	9(s), and International Search Report					
12. An assignment document for recording	ng. A separate cover sheet in compliance with	37 CFR 3.28 and 3.31 is included.					
13/ A FIRST preliminary amendment.							
14. A SECOND or SUBSEQUENT preli	minary amendment.						
15. A substitute specification.							
16. A change of power of attorney and/or	address letter.						
17. A computer-readable form of the sequence	uence listing in accordance with PCT Rule 13t	er.2 and 35 U.S.C. 1.821-1.825.					
, 	national application under 35 U.S.C. 154(d)(4)						
	ge translation of the international application u	nder 35 U.S.C. 154(d)(4).					
20. Other items or information:							
Zero (0) Sheets of Formal Drawin International Preliminary Examinational Preliminary Examination (2) International Preliminary Examination (3) (4) (4) (4) (5) (6) (6) (6) (6) (6) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7							
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21. The following fees a BASIC NATIONAL F)(1)-(5):	· · · · · · · · · · · · · · · · · · ·		CAL	CULATIONS	PTO USE ONLY
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Independent Claims	1 - 3 =		0	X \$80.00	\$	0.00	
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Falls Church, VA 22 (703)205-8000	2U4U-U /4°/						
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Date: <u>September 19</u> ,	2001	-	1	Ву		lurphy, Jr., #28,	000
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JC16 Rec'd PCT/PTO SEP 1 9 2001

PATENT 0933-0171P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

SIPPONEN, Pentti et al. Conf.:

Int'l. Appl. No.:

PCT/FI00/00375

Appl. No.:

NEW

Group:

Filed:

September 19, 2001 Examiner:

For:

METHOD FOR THE DETERMINATINON OF DISACCHARIDASES AND KIT THEREFOR

PRELIMINARY AMENDMENT

BOX PATENT APPLICATION

Assistant Commissioner for Patents Washington, DC 20231

September 19, 2001

Sir:

The following Preliminary Amendments and Remarks are respectfully submitted in connection with the above-identified application.

AMENDMENTS

IN THE SPECIFICATION:

Please amend the specification as follows:

Before line 1, insert -- This application is the national phase under 35 U.S.C. § 371 of PCT International Application No. PCT/FI00/00375 which has an International filing date of April 28, 2000, which designated the United States of America and was published in English.--

17. 1,000 3.75 Prof. of the second Hank Hank Bing, 18 sek 225 Part I (, T. L.

REMARKS

The specification has been amended to provide a crossreference to the previously filed International Application.

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Gerald'M.\\Murph\\ Jr., #28,97

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0933-0171P

JC16 Rec'd PCT/PTO SEP 1 9 2001 METHOD FOR THE DETERMINATION OF DISACCHARIDASES AND KIT THEREFOR

The present invention relates to a method for the determination of disaccharidases in a biopsy sample from the duodenum, usually in connection with a gastroscopic procedure, of a patient suspected of suffering from a condition of disaccharide intolerance, especially lactose intolerance. The invention also relates to a kit for use in the diagnosis of said intolerance. The present method can easily be carried out as a rapid "bed-side" diagnostic method.

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Background of the invention

Disaccharide intolerance is defined as the limited ability of the organism to digest disaccharides, typically milk sugar, i.e. lactose, but also e.g. maltose intolerance is known. The intolerance is due to a decrease in the activity or the concentration of the corresponding disaccharide digesting enzyme, i.e. of lactase (β-galactosidase) in the case of lactose intolerance, which enzyme is produced in the mucous membrane of the small intestine, or duodenum. The enzyme breaks down the

disaccharide to simpler sugars that can then be absorbed into the bloodstream.

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Normally, when lactose reaches the digestive system, the lactase enzyme hydrolyzes it to D-glucose and D-galactose. The liver then converts the galactose into glucose, which enters the bloodstream and raises the person's blood glucose level. If lactose is incompletely broken down, the blood glucose level does not rise, and a diagnosis of lactose intolerance is confirmed. The resulting condition, although not usually dangerous, may be very distressing. While not all persons deficient in lactase have symptoms, those who do are considered to be lactose intolerant. See generally Buller, H.A. and Grand, R.J., "Lactose Intolerance," Ann. Rev. Med.. Vol. 41, pp. 141-148 (1990).

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Common symptoms include nausea, cramps, bloating, gas, and diarrhea, which begin about 30 minutes to 2 hours after eating or drinking foods containing lactose. The symptoms are due to the unabsorbed lactose which in the small testine

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binds liquid and speeds up the through-put rate to the large intestine, where the bacteria digest the carbohydrates to short chain fatty acids, lactate, carbon dioxide and hydrogen. The severity of the symptoms varies depending on the amount of lactose each individual can tolerate.

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Some causes of lactose intolerance are well known. For instance, certain digestive diseases and injuries to the small intestine can reduce the amount of enzymes produced. In rare cases, children are born without the ability to produce lactase. For most people, though, lactase deficiency is a condition that develops naturally over time. After about the age of two years, the body begins to produce less lactase. However, many people may not experience symptoms until they are much older.

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Between 30 and 50 million Americans are lactose intolerant. Certain ethnic and racial populations are more widely affected than others. As many as 75 percent of all African-Americans and Native Americans and 90 percent of Asian-Americans are lactose intolerant. In the southern Europe and the Middle East the percentage is about 60, and among arabs as high as 90. The condition is least common among persons of northern European descent, e.g. in Finland 11 % of the population are lactose intolerant, but in the northern Scandinavia, 60 % of the Lapps are lactose intolerant.

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Lactose intolerance is conventionally diagnosed using a lactose tolerance test, a hydrogen breath test, a stool acidity test or galactose determination.

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The lactose tolerance test is the most common test used for diagnosing lactose intolerance. A blood sample after fasting is taken from the patient for glucose determination, whereafter the patient is given a lactose drink. New blood samples are taken after 20, 40 and 60 minutes. The test shows hypolactasia if clear stomach symptoms develop after 1 to 2 hours after taking the lactose drink and if the increase in the blood glucose level remains below 1.1 mmol/l from the initial value.

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The hydrogen breath test measures the amount of hydrogen in the breath. Normally, no hydrogen is detectable in the breath. However, undigested lactose is fermented in the colon by bacteria, a result of which is the formation of many gases, including hydrogen. The hydrogen formed is absorbed from the intestine and carried by the blood stream to the lungs, and exhaled. The patient is given a lactose containing drink, after which the breath is analyzed at regular intervals. Increased hydrogen concentrations in the breath means improper digestion of lactose. The test can be affected by certain foods, medication and smoking.

The stool acidicity test measures lactic acid and other short chain fatty acids produced by colon bacteria by fermenting undigested lactose, which acids can be determined in the stool sample. Galactose can in a simple test be determined in the urine after administration of lactose, the test requiring a semi-quantitative determination method for galactose.

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Methods for the determination of disaccharides are previously known, but analysis of the disaccharidase content of a biopsy sample usually requires several steps. First of all, the sample must be homogenized, after which it is incubated with a substrate (lactose, maltose etc.), and then the desired monosaccharide is analysed chemically. The existing methodology is complex and time-consuming. Therefore, there is a need for a single, rapid and specific method of diagnosing disaccharide intolerance, especially lactose intolerance.

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The publication EP 72 450 discloses a lactase activity test for infants in conjunction with diagnosing infants for cystic fibrosis (CF), such CF-infants reportedly having increased disaccharidase activities in the meconium. Accordingly, a thin film of a meconium sample is spread on a test device containing lactose, glucose oxidase, a peroxidatively active agent and a chromogen, and if the sample has lactase activity, an easily visible blue colour develops directly beneath the meconium.

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Summary of the invention

The present invention provides a quick and easy method for the determination of disaccharidase enzyme in a biopsy sample taken from the duodenum of an individual suspected of being disaccharide intolerant, which method comprises the steps of

- contacting the said biopsy sample as such with a substrate medium containing the said disaccharide; and
- determining the presence of a desired monosaccharide in the substrate medium by using an assay system for said monosaccharide.

It is a further object of this invention to provide a kit for use in carrying out the above mentioned method comprising

- a substrate medium containing the said disaccharide for contacting with a biopsy sample taken from the duodenum of an individual suspected of being disaccharide intolerant; and
- means for the determination of the presence of a desired monosaccharide in the substrate medium after exposure of the substrate medium to the said biopsy sample.

Further areas of applicability of the present invention will be apparent from the detailed description given hereinafter.

Detailed description of the invention

According to the present invention, disaccharide intolerance is diagnosed in an individual by detecting a deficiency or reduced activity of the corresponding disaccharide digesting enzyme, disaccharidase, in a biopsy sample taken from the duodenum of the individual where the corresponding enzyme is normally produced.

Although reference is made specifically to lactose as the disaccharide and lactase as the corresponding disaccharide digesting enzyme, it is clear that the description

equally well applies to methods for diagnosing also other disaccharide intolerance conditions. Such conditions include maltose intolerance, in which case a deficiency of maltase enzyme will be the object of diagnosis, or saccharose intolerance, in which case the enzyme to be diagnosed is saccharidase.

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In short, the method comprises detecting the presence of disaccharidase in a biopsy sample taken from the duodenum of an individual suspected of suffering from a condition of disaccharide intolerance, which method comprises a first step of contacting the biopsy sample as such, in intact form, that is in an unprocessed, such as in an unhomogenized and uncomminuted form, with a substrate medium containing the said disaccharide. Any disaccharidase present in the sample digests the disaccharide in the substrate to monosaccharides. In a subsequent step, the presence of a desired monosaccharide so formed in the substrate medium is determined by using an assay system for said monosaccharide.

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When the object of diagnosis is lactose intolerance, and the method thus comprises detecting the possible presence or absence of lactase enzyme activity in the biopsy sample, the disaccharide to be used in the substrate medium is lactose. Lactose is digested by any lactase present in the biopsy sample to glucose and galactose, which can be detected in the substrate medium in a known manner.

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Maltose, on the other hand, will be digested by the maltase enzyme to two glucose molecules, and saccharose is digested by saccharidase to glucose and fructose.

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The method can be carried out in a simple manner, for example by using a substrate medium which in the same solution contains the substrate for the enzyme, that is lactose, if a lactase enzyme deficiency is to be diagnosed, glucose oxidase (or galactose oxidase) enzyme, a peroxidase enzyme and a chromogenic substance. It is also possible to keep one or more of the reagents separate from the other reagents up until the moment of carrying out the test. One such alternative is to keep the chromogenic substance, and/or the glucose or galactose enzyme, in a separate solution, or for example absorbed onto a suitable medium, for example a gel

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matrix, or paper, to be contacted with the remaining reagents at the moment of testing. Other modifications of carrying out the test are also possible, and easily construed by a person skilled in the art.

The disaccharidase enzyme in the biopsy sample introduced into the substrate medium will digest the disaccharide in the substrate medium to glucose, galactose and/or fructose, depending on the type of disaccharide. The glucose (or galactose) oxidase enzyme in the same medium, which preferably is buffered to approximately pH 5-7, then oxidizes the glucose or galactose to oxidation products, liberating hydrogen peroxide (H₂O₂). The peroxidase enzyme catalyzes a reaction where the hydrogen peroxide oxidizes the colourless chromogenic substance to form a coloured or otherwise detectable form.

The colour reaction taking place in the substrate is rapid and detectable at room temperature already after a few minutes. The biopsy sample can be a small, e.g. of the order of 1 mm x 1 mm x 1 mm, taken from the duodenum in connection with a gastroscopic procedure. The sample taken is used as such and there is no need to homogenize or otherwise comminute the sample prior to testing. The colour change can be determined either with the bare eye, or can be read with a suitable apparatus e.g. photometrically, fluorometrically or reflectometrically. The method makes it possible to evaluate also the disaccharidase level in the biopsy sample, i.e. to make a semiquantitative analysis, and thus to evaluate the severity of the intolerance condition. The method is easy and rapid to carry out as a 'bed-side test' and requires no complicated laboratory equipment.

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The concentrations of the various reagents in the substrate medium are not critical and can be adjusted to provide for optimal testing conditions. The reaction can be carried out in a suitable vessel at room temperature, or it can be provided in a suitable kit-form, the kit containing all the reagents needed for carrying out the test in a single ready-to-use package.

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The invention being thus described, it will be obvious that the same may be varied in many ways. Such variations are not to be regarded as a departure from the spirit and scope of the invention, and all such modifications as would be obvious to one skilled in the art are intended to be included within the scope of the following claims.

Claims

- 1. Method for the determination of a disaccharidase enzyme, which is able to digest a disaccharide into monosaccharides, in a biopsy sample taken from the duodenum of an individual to be tested for disaccharide intolerance, which method comprises the steps of
- contacting the said biopsy sample as such with a substrate medium containing the said disaccharide; and
- determining the presence of a desired monosaccharide in the substrate medium by using an assay system for said monosaccharide.
 - 2. The method according to claim 1, wherein the disaccharidase to be determined in the sample is lactase, maltase, or sucrase.
- 3. The method according to claim 1, wherein the disaccharide is lactose.
 - 4. The method according to claim 3, wherein the monosaccharide to be determined in the substrate medium is glucose.
- 5. The method according to claim 1, wherein the substrate medium contains disaccharide, glucose and/or galactose oxidase, a peroxidase enzyme and a chromogenic substance.
- 6. The method according to claim 4, wherein the glucose assay system is a reagent strip, preferably a dip-and-read reagent strip.
 - 7. The method according to claim 1, wherein the assay system for determining the monosaccharide is photometric, fluorometric or reflectometric.
- 8. Kit for use in carrying out the method according to claim 1, comprising
 a substrate medium containing the said disaccharide for contacting with the biopsy sample; and

- means for determining the presence of a desired monosaccharide in the substrate medium after exposure of the substrate medium to the biopsy sample.
- 9. The kit according to claim 8, wherein the substrate contains a glucose or galactose enzyme, and a peroxidase enzyme.
- 10. The kit according to claim 9, wherein the means for the determination of the presence of glucose in the substrate medium comprises a chromogenic substance.
- 10 11. The kit according to claim 10, wherein the chromogenic substance is kept separate from the other components of the substrate.

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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ATTORNEY DOCKET NO. 0933-0171P

(Status - patented, pending, abandoned)

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Fill in Appropriate Information — For Use Without Specification Attached:	the specification of which is attach the specification was filed United States Application N and amended on the specification was filed International Application N amended under PCT Article	on Jumber				:	
And the state of t	I hereby state that I have reviewed by any amendment referred to above I acknowledge the duty to discloss 1.56. I do not know and do not belie thereof, or patented or described in prior to this application, that the sam application in any country foreign to more than twelve months (six mont on this invention has been filed in representatives or assigns, except as I hereby claim foreign priority be inventor's certificate listed below as filing date before that of the application.	ve the same was ever known any printed publication in the was not in public use on the United States of American prior to the designs) prior to the any country foreign to the follows. Denefits under Title 35, Under the designs identified be	own or used in the any country before on sale in the U de the subject of erica on an application, and a United States conted States Code clow any foreign	e United States of America in relation filed by me or my ad that no application for America prior to this.	37, Code of Federica before my on thereof or more more than one yet issued before y legal representation patent or inverse application by a reign application.	or our invention e than one year rear prior to this the date of this titives or assigns attor's certificate me or my legal	
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(Application Number)

Page 1 of 2

I hereby appoint the collowing attorneys to prosecute this application and/o, an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

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me of Second tor, if any:	GIVEN NAME	FAMILYNAME	INVENTOR'S SIGNAT	rure		DATE*
⊋ see above	Osmo SUC	OVANIEMI				Sept. 2
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me of Fourth tor, if any see above	GIVEN NAME	FAMILYNAME	INVENTOR'S SIGNA	TURE		DATE*
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	POST OFFICE ADDRESS (Con	nplete Street Address including (City, State & Country)			
ame of Fifth ntor, if any	GIVEN NAME	FAMILYNAME	INVENTOR'S SIGNA	TURE		DATE*
see above						
	Residence (City, State & Coun	try)	<u> </u>		CITIZENSHIP	1
	POST OFFICE ADDRESS (Con	nplete Street Address including (City, State & Country)			
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(Revised 11-99)